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Approved For Release 2002/05/07 : CIA-RDP85-00375R000200090032-7

25 APR 1979

MEMORANDUM FOR: Legislative Counsel

FROM : [REDACTED] Chief  
Benefits and Services Division, OP

SUBJECT : Compensation of Imprisoned Alien  
Employees (Public Law 95-105) (U)

1. Public Law 95-105 provides for compensation of alien employees when they have been imprisoned because of their employment by the United States. The Law further specifies that in the case of employees of the Central Intelligence Agency, the DCI shall have authority to make the determination of eligibility for compensation. In all other cases, determination is made by the Secretary of State. (U)

2. At this time no action has been taken with respect to any case of an Agency alien employee nor has anything on this subject been put into any Agency publication. We felt it would be helpful to determine what action has been taken by the Department of State with respect to any non-Agency cases they might have processed and therefore contacted them on this matter. [REDACTED] met with Mr. Peter Gregory of State's Office of Foreign Service National Personnel on 9 April and wrote the attached memo for record. In addition, Mr. Gregory suggested that Mr. Robert Hull of State's Legislative Counsel could provide information on the history and sponsorship of this Bill. We believe this would be most helpful in determining the applicability of this Law to the various categories of employees that this Agency has, including our past connections with Cubans and Southeast Asians. It is therefore requested that someone from your office contact Mr. Hull, Phone 632-1602, and discuss with him the origin and intent of this Law. (C)

Att

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DECLASSIFIED BY 27 Apr 1985  
REASON

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OP/BSD  mem (24 Apr 79)

PER 71356

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MEMORANDUM FOR: Chief, Benefits and Services Division  
FROM :   
Chief, Personal Affairs Branch  
SUBJECT : Department of State's Implementation of  
Pub. L. 95-105 - Compensation of Alien  
Employees  
REFERENCE : Your memorandum date 28 March 1979, same  
subject

1. In response to your reference instructions, I met with Mr. Peter Gregory, Department of State, on 9 April 1979, to discuss their implementation of Pub. L. 95-105 - Compensation of Alien Employees. Mr. Gregory is a member of the Office of Foreign Service National Personnel (PER/ER/FN), who developed and issued the Foreign Affairs Manual Circular (FAMC) No. 766 as a regulation for claiming compensation for imprisoned aliens (attachment A). This is a regulation for State, AID and ICA and has not been issued to other Agencies. This circular will soon be incorporated into the Foreign Affairs Manual.

2. At this time only three claims have been filed with State and these have been initiated by the Area Bureaus. One claim has been approved (attachment B - a copy of State's procedure for requesting approval of a claim), an additional claim from Laos is being considered for approval and a third claim from the Hungarian revolt is under review. Cable traffic from the Laotian Embassy has identified by name nine known arrest cases, but only the two mentioned above have filed claims. Regional Area Bureaus have the responsibility for initiating claims. PERS/ER/FN provides technical assistance and coordination with the Bureaus when there are documented cases of arrests.

3. I asked Mr. Gregory what action State is taking to locate and notify eligible persons of their possible entitlements. He stated that their program was limited to the issuance of FAMC No. 766, and assisting with cases where contact is reported by the Bureaus. Mr. Gregory stated that if a documented case is not already on record based on Embassy reports, it would be difficult to establish and verify a claim.

4. With reference to potential claims which might be filed by South Vietnamese, Mr. Gregory stated that because Embassy employees were separated by personnel actions before the Embassy closed, former employees would be ineligible if subsequently imprisoned. He also stated that because of the situation that followed the closing of the Embassy in South Vietnam, it would be difficult to obtain reliable information from knowledgeable sources citing reasons given by the North Vietnamese for an individuals imprisonment. Mr. Gregory indicated that they could expect some claims to be filed by the "boat People" who come to the U.S. but these would be very difficult to document.

5. To summarize, it seems that State's initiative is limited to only those cases that are well documented and closely monitored over the years by the Bureaus.

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Next 1 Page(s) In Document Exempt

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